

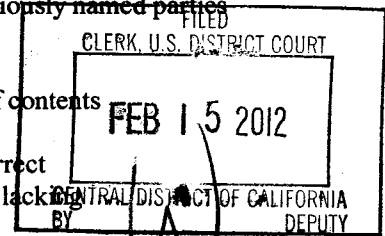
**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF DOCUMENT DISCREPANCIES

To: ☒ U.S. District Judge / ☐ U.S. Magistrate Judge Real
 From: Shea Bourgeois, Deputy Clerk Date Received: 2-10-12
 Case No.: 11-cv-7371 R (JEM) Case Title: Angel Malave v Debt Resolution
 Document Entitled: Order Denying Defendants Motion

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- | | |
|--|---|
| <input type="checkbox"/> Local Rule 11-3.1 | Document not legible |
| <input type="checkbox"/> Local Rule 11-3.8 | Lacking name, address, phone, facsimile numbers and email address |
| <input type="checkbox"/> Local Rule 11-4.1 | No copy provided for judge |
| <input type="checkbox"/> Local Rule 19-1 | Complaint/Petition includes more than ten (10) Does or fictitiously named parties |
| <input type="checkbox"/> Local Rule 15-1 | Proposed amended pleading not under separate cover |
| <input type="checkbox"/> Local Rule 11-6 | Memorandum/brief exceeds 25 pages |
| <input type="checkbox"/> Local Rule 11-8 | Memorandum/brief exceeding 10 pages shall contain table of contents |
| <input type="checkbox"/> Local Rule 7.1-1 | No Certification of Interested Parties and/or no copies |
| <input type="checkbox"/> Local Rule 6.1 | Written notice of motion lacking or timeliness of notice incorrect |
| <input type="checkbox"/> Local Rule 56-1 | Statement of uncontroverted facts and/or proposed judgment lacking |
| <input type="checkbox"/> Local Rule 56-2 | Statement of genuine disputes of material fact lacking |
| <input type="checkbox"/> Local Rule 7-19.1 | Notice to other parties of ex parte application lacking |
| <input type="checkbox"/> Local Rule 16-7 | Pretrial conference order not signed by all counsel |
| <input type="checkbox"/> FRCvP Rule 5(d) | No proof of service attached to document(s) |
| <input type="checkbox"/> General Order 08-02 | Case is designated for electronic filing |



Other: per GO 10-07, case is designated for electronic filing

Note: Please refer to the court's Internet website at www.cacd.uscourts.gov for local rules and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to counsel.* Counsel* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have **not** been filed with the Court.

Feb. 15, 2012

Date

U.S. District Judge / U.S. Magistrate Judge

* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 -ORIGINAL-OFFICE

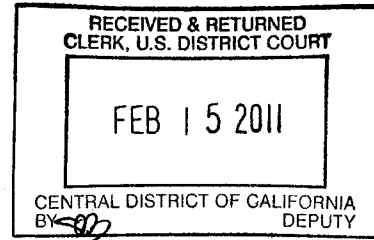
COPY 2 -JUDGE

COPY 3 -SIGNED & RETURNED TO FILER

COPY 4 -FILER RECEIPT

Amy E. Clark Kleinpeter, State Bar Number 223491
Clark Kleinpeter Law
14431 Ventura Blvd., #750
Sherman Oaks, CA 91423
Telephone: (626) 507-8090
Fax: (626) 737-6030

Attorney for Angel Malave



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Angel Malave, an individual,
Plaintiff,

vs.

DEBT RESOLUTION
CENTER, f/k/a
FREEDOM DEBT CENTER, a
California Corporation;
NATIONWIDE SUPPORT
SERVICES, INC., a California
corporation and Does 1 to 10,

Defendants

) Case No. CV-11-7371 R (JEMx)

) *Hon. Manuel L. Real*

) ORDER DENYING

) DEFENDANT'S MOTION TO

) COMPEL ARBITRATION AND

) GRANTING DEFENDANT'S

) MOTION TO DISMISS

) PLAINTIFF'S SECOND

) AMENDED COMPLAINT

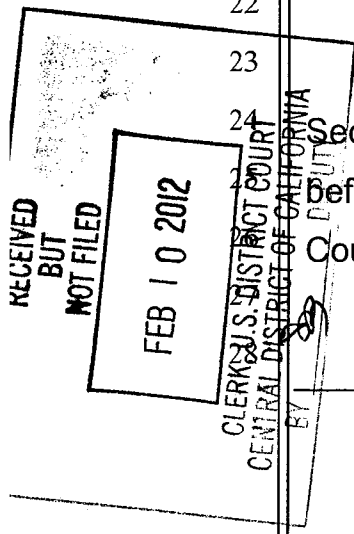
Courtroom: 8 (second floor)

Date: February 6, 2012

Time: 10:00 a.m.

Defendant's Motion to Compel Arbitration and to Dismiss Plaintiff's
Second Amended Complaint for Failure to State a Claim for Relief came
before this Court for hearing at 10:00 a.m. on February 6, 2012 in
Courtroom 8, Honorable Manuel L. Real presiding.

ORDER DENYING DEFENDANT'S MOTION TO COMPEL ARBITRATION AND GRANTING
DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT



1 After reviewing the filed documents and considering the party's oral
2 arguments, IT IS HEREBY ORDERED THAT:

3 Defendant's Motion to Compel Arbitration is denied. Defendants
4 failed to compel arbitration of Plaintiff's claims within the contract's
5 undisputed, express thirty (30) day time limit.

6 Also, Defendant's Motion to Dismiss Plaintiff's Second Amended
7 Complaint for Failure to State a Claim for Relief is granted without
8 prejudice. It is undisputed that Plaintiff filed his First Amended Complaint
9 alleging violations of the Electronic Funds Transfer Act more than one year
10 after the date of the occurrence of the violation. However, he may
11 plausibly argue for equitable tolling of the Statute of Limitations if he pleads
12 specific facts showing active concealment of Nationwide Support Services,
13 Inc.'s role in the underlying transactions. Plaintiff has 10 days to amend
14 his Complaint.

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18 _____
19 Manuel L. Real
20 U.S. DISTRICT JUDGE
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